

Notice of Allowability

Application No.

09/577,257

Applicant(s)

CHANEY, JEREMY

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Decision on Appeal, dated 10-31-2006.
2. ☒ The allowed claim(s) is/are 1,3-6,8-11,13-17,21-32,35-42 and 45-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Decision on Appeal and after updated search, no other prior art has taught that which was presented in the claims
3. Therefore, claims 1, 3-6, 8-11, 13-17, 21-32, 35-42, 45-49 are allowable.
4. Independent claim 1, 6, 11, 16, 17, 35, 39, and 46, when considered as a whole, are allowable over the prior art of record (Katz, Hanson, Burrows).
5. Referring to claims 1, 6, 11, 35, and 46, Katz discloses in column 6: lines 1-4 and Figures 4A-4D a music player that displays a graphical interface comprising information about music items. In column 3: lines 9-14, Katz discloses that the music player comprises device driver interfaces for "changers" or "jukeboxes" i.e. music renderers. Katz's graphical user interface (220) comprises numerous control objects for managing music items (see Figures 4A-4D) and an application programming interface that enables device drivers to modify the music player's graphical user interface (see column 4: lines 58-62). The teachings of Katz are supplemented by Hanson, who discloses a dynamic device driver for a peripheral device that is capable of delivering control objects to an application. In column 2: lines 1 1-19, Hanson discloses a peripheral device that is connected to a host computer. In column 2: lines 40-44, Hanson explains that said peripheral device could be an audio component. In column 2: lines 45-50, Hanson further explains that the peripheral's device driver includes a graphical interface for handling user-initiated controlling commands and for displaying the status of the

Art Unit: 2173

peripheral device as well as a list of predefined user-selectable options related to the peripheral device. Hanson still further explains in column 5: lines 13-22 that the graphical interface objects provided by the peripheral device driver can be incorporated into the menus of the application software running on the host computer. In column 8: lines 12-27, Hanson discloses one example in which the graphical interface objects are loaded and displayed in response to a menu selection of the peripheral from within the application software.

However, specifically the prior art of record fails to clearly teach or support the limitations of *"a device driver 'interface' that permits a device driver to customize a control object"*, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 10-31-2006.

6. Referring to claims 16 and 17, as discussed above, Katz discloses a music player that displays a graphical interface comprising information about a plurality of music items, wherein the graphical interface comprises one or more control objects that are operative to be used by a user to control the operation of a music renderer that is configured to play the music items. Said control objects must initially be named by the music player. The teachings of Katz are supplemented by Hanson, who discloses in column 5: lines 14-17 that device drivers can incorporate GUI objects into the menus of certain application software. Since a menu is a type of control object, Hanson's invention effectively uses a device driver to rename control objects within an application.

Art Unit: 2173

Doing so is beneficial because it incorporates important peripheral specific controls directly into the graphical user interface of the application software.

However, specifically the prior art of record fails to clearly teach or support the limitations of “*a device driver to rename menus*”, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 10-31-2006.

7. Referring to claim 39, as discussed above, Katz and Hanson disclose executing a music player that displays a graphical interface comprising information about music items. Katz and Hanson further suggest displaying a graphical interface for managing the content of a portable music player device in response to an event (see rejections above). The teachings of Katz and Hanson are supplement by Burrows, who teaches in column 4: line 35 through column 5: line 5 a portable music player device that is controllable by a computer interface. Specifically, Burrows explains in this section that the host computer can replace or update the table of contents, add music items, and delete music items. To perform any of these operations the host computer must inherently display some sort of graphical interface that allows the user to properly manage the music items.

However, specifically the prior art of record fails to clearly teach or support the limitations of “*assigning an object in the graphical interface with a device driver of the portable music player*”, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 10-31-2006.

Art Unit: 2173

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2-2-07
dgb


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173